

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**Countryside Industries, Inc.,**

Plaintiff,

v.

**Construction & General Laborers'  
District Council of Chicago and Vicinity;  
and Laborers' International Union Local  
118,**

Defendants.

No. 1:08-cv-03108

Hon. Judge Manning

**PLAINTIFF'S INITIAL STATUS REPORT**

Plaintiff files the attached Initial Status Report pursuant to the Court's procedures. Plaintiff has attempted to obtain concurrence or input into the following from the Defendants' counsel, but has been unsuccessful in doing so. It is Plaintiff's understanding that Counsel for the Defendants believes that this status report is premature given their recent Motion to File Third-Party Complaint. In any event, Plaintiff proposes the following:

**A. Nature of the Case**

**1. Bases for jurisdiction, nature of the claims and counterclaims**

Count I of this Complaint arises and jurisdiction of the Court is founded upon the provisions of Section 303 of the Labor-Management Relations Act, 29 U.S.C. § 187, which invests federal courts with jurisdiction over suits against labor organizations which engage in any activity or conduct, in an industry affecting commerce, defined as an unfair labor practice under 29 U.S.C. § 158(b)(4). With respect to Count II, the jurisdiction of the Court is founded upon the provisions of 28 U.S.C. § 1367(a).

**2. Relief Sought**

Plaintiff believes it has sustained damages from the Union's picketing including additional cost of storage and transportation of materials, additional overtime, and lost time. In addition, Plaintiff believes it has and continues to sustain damages from the Union's conduct in that other contractors are reluctant to hire Plaintiff out of fear that the Union will shut down the jobsite with unlawful picketing. Plaintiff believes its damages are at least \$50,000.00, and is still investigating the full extent of these damages.

**3. Names of any parties that have not been served**

None.

**4. Major legal issues**

Whether the Union's picketing was unlawful.

**5. Major factual issues**

The extent of damages sustained from the Union's picketing.

**6. Citation to key authorities**

*R.L. Coolsaet Const. Co. v. Local 150, Intern. Union of Operating Engineers*, 177 F.3d 648 (7<sup>th</sup> Cir. 1999). *BE &K Const. Co. v. Will & Grundy Counties Bldg. Trades Council*, 156 F.3d 756 (7<sup>th</sup> Cir. 1998).

**B. Draft Scheduling Order**

- 1. Rule 26(a)(1) initial disclosures: August 15, 2008.**
- 2. Last day to join additional parties or amend the pleadings: August 22, 2008.**
- 3. Last day to disclose any experts and reports pursuant to Rule 26(a)(2): December 15, 2008.**
- 4. All discovery (including any expert discovery) to be completed by January 30, 2009.**
- 5. All dispositive motions filed by February 27, 2009.**

**C. Trial Status**

- 1. Plaintiff has requested trial by jury.**
- 2. Probable length of trial: 4 days.**

**D. Consent to Proceed Before a Magistrate Judge**

The parties do not consent.

**E. Settlement Status**

- 1. The parties have not yet discussed settlement. Plaintiff wishes to continue its investigation as to the extent of damages.**
- 2. The parties do not wish a settlement conference at this time, but would request permission to ask for the Court's assistance later in the case.**

Respectfully Submitted,

/s/ David L. Christlieb

David L. Christlieb

David L. Christlieb  
LITTLER MENDELSON  
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Dated: July 30, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on July 30, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. Notification of this filing will be sent electronically from the Clerk of the Court to all parties of record.

/s/ David L. Christlieb  
David L. Christlieb  
Attorney for Plaintiff